

Confidential Claim Retracted

AUTHORIZED BY: SC

DATE: 5/16/13

(Date Insert)

The Honorable Chester T. Fernando, Governor
Pueblo of Laguna
P. O. Box 194
Laguna, NM 87026

Dear Governor Fernando:

At your request the CERT Technical Services Corporation assigned ~~John Hutchins to participate in the Pueblo's Technical Proposal Evaluation Committee to review Technical Assistance Contractor proposals for the Pueblo of Laguna in the reclamation of waste piles at the Jackpile-Paguate Mine.~~

~~Mr. Hutchins has completed his work and enclosed is his report on the deliberations of the TPEC. Further CERT recommendations for negotiating a contract with the successful bidder, Jacobs Engineering Group, Inc., are also included within this report.~~

~~We appreciated the opportunity to serve the Pueblo of Laguna and particularly enjoyed working with your Reclamation Committee during this technical evaluation. Your legal counsel of Nordhaus, Haltom, Taradash, Taylor and Frye, as well as the BIA and BLM representatives assigned to the TPEC, along with CERT's participation provided, we believe, a very well integrated oversight committee.~~

(Insert any personal remarks that David may wish to add.)

~~If there are additional requirements of the Tribe needing Mr. Hutchins participation, please feel free to call on us.~~

Sincerely,

A. David Lester
Executive Director

Attach



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POL-EPA01-0003873

CONFIDENTIAL

PUEBLO OF LAGUNA

**EVALUATION OF
REQUEST FOR PROPOSALS**

TECHNICAL ASSISTANCE CONTRACTOR (TAC)

**BY THE
COUNCIL OF ENERGY RESOURCE TRIBES
OCTOBER 1987**

SUMMARY

The Pueblo of Laguna (POL) sent out a Request for Proposal (RFP) for a Technical Assistance Contractor (TAC) who would perform three functions for the Tribe:

1. Final design of the reclamation of the Jackpile-Paguate Uranium Mine,
2. Operational Control of the materials handling reclamation process, and
3. Administrative, business, and technical support for the establishment of a Laguna Construction Firm (LCF) by the Pueblo.

The POL has established a Reclamation Committee (RC) to provide RFPs, to select contractors subject to action of the Council, to manage the reclamation of the Jackpile Mine and provide for the establishment of an LCF which reports, through a Board of Directors, to the Council.

A Technical Proposal Evaluation Committee (TPEC) was established to evaluate the proposals received, to make recommendations to the RC and the Council on the selection of a single contractor, and for technical support relating to the negotiation of a contract with the successful bidder.

Twelve companies responded to the RFP and the TPEC rated the proposals and recommended to the RC and the Council the short listing of four. The council approved the short list and immediately thereafter the TPEC was provided with the Cost Proposal sections for the four short list proposers. The RC and the TPEC established common presentation rules and interviewed the four short listed proposers. The short list proposers were required to submit a "best and final" cost proposal. The TPEC evaluated the technical and cost proposals and presentations of the short list contractors and made a unanimous recommendation, in which the Reclamation Committee concurred, to select Jacobs Engineering Group, Inc. as the successful bidder.

The Reclamation Committee presented this recommendation to the POL Tribal Council on October 29, 1987 with the support of a detailed presentation by the TPEC and subsequently the POL voted 20 in favor (with none opposed or abstaining) to accept Jacobs as the successful bidder.

Subject to confirmation of the selection of Jacobs as the successful bidder by the BIA as Trustee of the escrow reclamation funds, the TPEC will continue to support the Reclamation Committee and the Council as requested through the process of negotiating an executed contract between the POL and Jacobs.

RECLAMATION COMMITTEE OF THE POL

The Reclamation Committee established by the POL Council to oversee the process of contractor selection is made up of the following Council members:

1. Governor Chester T. Fernando
2. Councilman Wilford Lente
3. Councilman Wilford Greene

TECHNICAL PROPOSAL EVALUATION COMMITTEE (TPEC)

The TPEC is made up of the following members:

1. BIA Team: George Tetreault
Albuquerque Area Office
P. O. Box 26567
Albuquerque, NM 87125-6567
(505) 766-3610
2. BLM Team: David Sitzler and Roger Baer
435 Montano, N.E.
Albuquerque, NM 87107
(505) 761-4619
3. POL Team: Richard Wilson
% Nordhaus, Haltom, Taradash, Taylor & Frye
500 Marquette, N.W. Suite 1050
Albuquerque, NM 87102
(505) 243-4275

John Hutchins
Council of Energy Resource Tribes
1480 Logan Street, Suite 400
Denver, CO 80203
(303) 832-6600

INITIAL EVALUATION OF REQUESTS FOR PROPOSAL

Twelve companies or consortiums responded to the Request for Proposals sent out by the Pueblo, these being:

1. ACZ
2. Centennial
3. Chen & Assoc.
4. Dames and Moore
5. Jacobs Engineering
6. Kaiser Engineering
7. Morrison-Knutsen Engineering
8. Parsons Engineering
9. Peratrovich
10. Sergeant
11. Spectrum
12. Weston

The RFP's were rated, as required by the detail of the RFP, on the basis of the following criteria with the point value indicated:

<u>Item</u>	<u>Evaluation Criteria</u>	<u>Point Value</u>
1.	Technical quality of the proposal.	50
2.	Understanding of the scope and objectives of the required work as demonstrated by the proposed plan of work.	30
3.	Professional qualifications, experience and capabilities of the personnel to be assigned.	35
4.	Quality and extent of organizational support.	20
5.	Past radioactive mine waste experience.	20
6.	Past mine reclamation experience.	15
7.	Indian ownership of the firm.	5
8.	Experience with government contracts.	3

As determined by the RFP procedure, a numerical rating scale from 1 to 10 was applied and multiplied to each of the above evaluation criteria points to arrive at a sub-total for each criteria with the sum being the overall rating for that proposal responder.

The evaluations of the CERT representative for the Tribe resulted in rating the responders to the RFP in the following order and with the noted summary ratings:

INDIVIDUAL CERT RATINGS

<u>Ranking</u>	<u>Company</u>	<u>Total Rating Points</u>	<u>Normalized 100% BASIS</u>
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Proposed for the "short list":

1.	Jacobs Engineering	1532	100
2.	Dames and Moore	1530	99
3.	Parsons	1457	95
4.	Chen & Assoc.	1413	92

* * * * *

Proposed to "drop":

5.	Weston	1301	85
6.	Petratovich	1158	76
7.	MKE	1057	69
8.	ACZ	1010	66
9.	Kaiser Engineering	920	60
10.	Spectrum	885	58
11.	Sergeant	874	57
12.	Centennial	606	40

Attached as Exhibit I is a table array of the point rating system for each of the evaluation criteria derived for all of the RFP responders. Detailed comments on individual rating sheets for each of the rated companies have been retained by the CERT evaluator.

The CERT representative recommended to the TPEC that the short list be made up of the top four candidates listed above and that individual interviews be set up with these companies for further evaluation. In the merging of the evaluations of the several members of the TPEC, the final coordinated recommendation of the TPEC is shown by the following table and represents unusual agreement of a technical evaluation committee which quite often comes out with very widely divergent ratings. Please note that there is a natural break in the ratings which suggests that the top four candidates be placed on the short list and that the remaining proposers be dropped.

FINAL TPEC ACTION

<u>Ranking</u>	<u>Company</u>	<u>BIA</u>	<u>BLM</u>	<u>POL</u>	<u>AVERAGED TOTALS</u>
Proposed for the "short list":					
1.	Chen	99	100	96	98
2.	Dames & Moore	100	90	96	95
3.	MKE	95	94	85	91
4.	Jacobs	92	72	100	88

* * * * *

Proposed to "drop":

5.	Kaiser	98	69	80	82
6.	ACZ	97	73	69	80
7.	Weston	90	64	80	78
8.	Parsons	65	65	90	73
9.	Spectrum/Kellogg	65	71	80	72
10.	Petratovich	73	63	80	72
11.	SHB	98	55	63	72
12.	Centennial	82	54	50	62

Some short comment may be valuable as to the recommendation to the short list of these four companies:

1. Chen & Associates: With the least demonstrated radioactive waste control experience and organizational back-up staffing, this response was nevertheless outstanding as the most lucid and concisely written proposal with fully adequate discussion of all of the responders to the RFP. Such a proposal indicates that the Tribe should, at the very least, have the opportunity to evaluate by Tribal management the principals of this organization directly

in competition with other short list responders. The inclusion of Nielsons, Inc. as a sub-contractor who had experience in setting up a tribal industry (NECA) was considered a plus which the TPEC wished to evaluate further.

2. Dames and Moore: The evaluation indicated that this company in its' write-up was highly sensitive and responsive to the Tribe's stated need to establish a viable on-going Laguna construction firm and to coordinate with the Tribe on this essential need. The proposal established mechanisms and people specifically designed to provide this Tribal need and TPEC wished to evaluate this further.

3. Morrison Knudsen Engineering: This company has a wide experience in earth movement, a massive backup of technical people and experience with the Jackpile Mine which dictates closer examination. Their proposal was well documented although of a very "standard brand" type of descriptions.

4. Jacobs Engineering: Demonstrated to the evaluators that their experience level in reclamation of radioactive mine waste piles was extensive. The proposal was very well written although embracing overstatement to the point, at times, of technical arrogance. Jacob's background experience provides them the ability to submit a well targeted proposal to satisfy Tribal needs.

RATIFICATION OF SHORT LIST

The TPEC met with the Reclamation Committee of the Tribal Council and reviewed in detail all of their findings and recommended the adoption of the short list of contractors shown above. The Reclamation Committee presented their findings to the Tribal Council and after considerable discussion the short list was approved by the Council by a 16 to 4 vote.

INITIAL COST PROPOSALS

The initial cost proposals were then opened to the TPEC and were cost categorized and analyzed by them as follows:

COMPANY	CHEN	MKE	D & M	JACOBS
Total Bid	1,997,200	1,293,200	966,300	561,300
(Travel)	107,200	48,500	80,000	5,000
(Fld Off)	27,000	-0-	25,000	-0-
SubTotal	1,863,000	1,244,700	861,300	556,300
NM Tx/Ins	55,890	Included	25,839	Included
COMPARABLE	1,918,890	1,244,700	887,139	556,300

* * * * *

Another way of re-arranging the proposed cost figures follows:

Design	1,099,700	531,600	436,300	378,700
Operating	560,600	253,400	377,500	124,500
LCF Support	308,700	468,600	152,600	58,200
Indirect	28,300	40,000	Included	Included

COMPARABLE	1,997,300	1,293,600	966,400	561,400
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The manhours represented by the cost proposals follow:

MANHOURS

InHouse	15,920(46%)	23,760(90%)	7,284(51%)	13,500
Subs	18,975	2,512	6,860	est:1,350

TOTAL MH	34,895	26,272	14,144	14,500
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\$ per M/H	55	47	63	41
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Please note that these figures only include "comparables" and not total gross bids. For total gross final bids, refer to the section below titled BEST AND FINAL OFFERS.

The TPEC analyzed these total figures to believe that the MKE and D & M cost figures were reasonable in the aggregate and standard (although individual elements were questioned by the TPEC) and that the Chen figures were inordinately high across the board. There was widespread conclusion that the Jacobs figures were unreasonably low and there was doubt that Jacobs could complete the contract for this price and still provide to the Tribe the services needed and as are envisioned in the RFP.

A great deal of detailed and topic specific analyses of the cost figures were performed by the TPEC on each individual proposer and these are contained in their retained work papers.

EVALUATION OF THE SHORT LIST PRESENTATIONS/INTERVIEWS

Each of the short list proposers was set up with an interview schedule and outline. Equal time was allotted to each responder and questions were asked by the TPEC after the proposer made short introductory statements about their company and their sub-contractors. The Reclamation Committee chaired the presentations and participated in these interviews and question periods actively.

The TPEC derived a set of criteria upon which to evaluate the presentations by the proposers, the results of which are tabulated below.

INTERVIEW EVALUATION CRITERIA
Listed in descending order of
importance to the TPEC

	<u>JACOBS</u>	<u>D & M</u>	<u>CHEN</u>	<u>MKE</u>
1. EXPERIENCE-				
Radon mgmt	Excellent	Cookbook answers	Not demonstr	Good
Design vs Operating	Qualif'd yes	Acceptable	Yes	Strong
Constructability	Yes	Fractured Coordination	Implied	Yes
Cost & M/H estim	Low \$s!	Underscope	Not	Yes
Exper-Cover Design	High	Limited	Qualified	Good
Exper-Mtls Handl	Qualified	Limited	Yes	Good
2. SUBS-ORGANIZ & COORDINATION				
Subs know function	Yes	Lacking	Yes	Unknown
Team Interaction	Good	Poor	Yes	Bad!
Subs present	Yes	Yes	Yes	No
3. LCF TYPE EXPERIENCE				
Enterprise scale	Yes	Yes	Yes	No
Subs effective	Need LCF knowledge	Lacking technical expertise	Not Demonstrated	None
Mgmt support	Yes	Lacking	" "	Little
Bus. Plan'g	Lacking	Good	" "	None
Market'g ideas	Unknown	Good	" "	None
Tech Support	Fair	Lacking	" "	Not appropriate
Identify Key Persons	No	No	No	Yes
Demo Exper @ LCF	No	No	Not demonstrated	No
4. ACCESSIBILITY & COMMUNICATION				
Work near Pueblo	Yes	No!	No!	No!
Local Office Details	All key personnel	Very limited	Not adequate	Not adequate
Communication achieved	Excellent	No rapport	Evasive	No
5. COMPANY COMMITMENT				
Availability Tech's	Tops	Uncertain	Acceptable on a team basis only	Good
Success committ'mt	Tops	Uncertain	Yes	Good

6. SCHEDULE

Understand coord and review elements	Very good	Poor	Unknown	Yes
Understand financial plan & impacts	Very good	Poor	Good	Yes
Control costs/sched	OK- Is in proposal	Unknown	Unknown	Yes

7. GRASP OF DATA

How much	Excellent	Inadequate	No	Yes
How good	Fair	" "	Lacking	Yes
How useful	Good	" "	Lacking	Yes

8. SYSTEMS DESIGN

Interview vs Proposal	Expanded/ Improved	Bad!	Bad!	Bad!
Interview improved	Much	Bad!	Bad!	Bad!
Coordination betw Written/Verbal	Best	Not good	None	Not good

BEST AND FINAL OFFERS

Through the Reclamation Committee, the TPEC requested best and final offers to be made by the final candidates by the close of business on the day following the last presentations. The best and final offers of the proposers were timely received at the Tribal counsels' office as follows:

Element	<u>CHEN</u>	<u>MKE</u>	<u>D & M</u>	<u>JACOBS</u>
Design	621,135	506,100	306,368	378,661
Operating	432,805	204,343	368,995	124,398
LCF Support	272,540	261,700	523,320	126,935
Indirect	313,144	40,000	Included	Included
TOTALS	1,639,684	1,012,143	1,198,683	629,994
Avg. \$/MH	53	52	62	46

The TPEC again felt that Jacobs estimates were low, as can be seen, in the areas of LCF Support and Operating and reiterates reservations about Jacobs capability to provide all services required by the RFP within the BEST AND FINAL OFFER amount.

FINAL TPEC RECOMMENDATIONS

The TPEC met with the Reclamation Committee and recommended that Jacobs Engineering Group, Inc. be selected as the winning bidder. This recommendation was based primarily, although not solely, upon the technical evaluations of the short list candidates. The recommendation also carried the caveat that the TPEC felt that the recommended bidder (Jacobs) had bid lower than expected and

that Jacobs did not have sufficient LCF type experience to adequately serve the needs of the Tribe in helping to establish an LCF. Please note that the TPEC did not feel that any other of the four finalists indicated that they possessed the ability or experience to adequately support establishment of an LCF of the size of company envisioned. The TPEC specifically points out that the Tribe may wish to consider these two weak points in their negotiation of a final contract with the successful bidder, should they be approved by the Council.

The TPEC verbally provided to the Reclamation Committee all of the analytical data that they had derived. Dick Wilson, as the chairman of the TPEC, will provide complete documentation and written detail of the deliberations of the TPEC.

RECLAMATION COMMITTEE ACTION

The Reclamation Committee, after deliberation, accepted the recommendations of the TPEC and forwarded the recommendation to the full Tribal Council for their consideration and action.

SELECTION BY THE POL COUNCIL

The Tribal Council met and received the recommendations of the Reclamation Committee and a presentation by the full TPEC, who answered questions of the members as requested. In executive session the Council voted, after full deliberation, to accept Jacobs Engineering Group, Inc. as the successful bidder subject to the ratification of the BIA as Trustee of the reclamation funds. The vote was recorded as 20 in favor with no negative or abstaining votes.

BIA TRUSTEE FINDINGS AND APPROVAL

The Nordhaus firm, as Tribal counsel, is expected to move to accomplish BIA coordination and subsequently to move for the establishment of a negotiated contract.

CONTRACT NEGOTIATIONS

The TPEC did not fully discuss proceeding toward culminating contract negotiations. CERT, however, recommends that the POL utilize the TPEC members to enhance the Pueblo's efforts at obtaining a strong TAC contract. Specifically, CERT recommends that the POL, in its' contract negotiations:

1. Request that Mr. Paul E. Stucker, Group Vice President, Jacobs Engineering Group, Inc. actively lead and represent Jacobs in contract negotiations and contract execution. The presence of Mr. Stucker at the final short list presentations and interviews materially enhanced the belief that Jacobs was dedicated to the successful completion of the project and Mr. Stucker's personal commitment to Jacob's providing an excellent project result was evident.

2. Strengthen the LCF capability requirements, either contractually within Jacobs project organization or by hiring direct consultant support to the Tribe. The Pueblo's legal counsel is aware of the deliberations of the TPEC concerning potential consultants and should be in a position to advise the Tribe on this matter. This recommendation was fully considered by the TPEC in their deliberations.

3. Carefully negotiate a TAC contract to fully define a Scope of Work such that no misunderstanding will arise later between Jacobs and the Pueblo as to expected product to be received by the Pueblo or performance to be conducted by Jacobs. The careful technical, legal and business review of the final contract before execution is essential.

4. Once a contract is executed, continually maintain a technical oversight on the performance of the TAC contract. CERT recommends that the Pueblo consider utilizing the current TPEC to maintain a Tribally controlled oversight of contract performance.

POINT VALUE	50	30	35	20	20	15	5	3	Exhibit I		JH 1065
RANK	① TECH QUALITY	② SCOPE OBSERVATION	③ PERF DRILL	④ PERSONAL SUPPORT	⑤ P/A MANE	⑥ WASTEF MANE	⑦ MANE SUPPORT	⑧ MANE SUPPORT	⑨ MANE SUPPORT	Σ	
1. JACOBS	450	270	315	160	180	135	0	21.6	1532		
2. DAMES & MOORE	450	270	315	160	160	135	125	27.3	1530		
3. PARSONS	425	270	315	180	120	120	0	27	1457		
4. CHEN	475	285	245	140	140	105	0	23.4	1413		
5. WESTON	300	180	315	180	170	127.5	0	28.5	1301	CUT OFF	
6. PERATROVICH	350	180	210	140	120	90	50	18	1158		
7. MKE	250	210	175	110	160	120	5	27	1057		
8. ACIZ	350	210	210	100	80	60	0	0	1010		
9. KAISER	250	150	245	120	80	60	0	15	920		
10. SPATROM	250	150	175	120	100	75	0	15	885		
11. SERGENT	250	90	210	160	80	60	0	24	874		
12. CENTENNIAL	150	90	192.5	120	20	30	0	3	606		

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Exhibit I